

STARK STATEMENT OPPOSING H.R. 5

Wednesday, 27 July 2005

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Thursday, July 28, 2005

Mr. Speaker,

We have been told that weapons of mass destruction required an invasion of Iraq, that ketchup is a vegetable, and that global warming is a vast, left-wing conspiracy. Now, the great minds of the Republican Party want us to believe that lawyers are to blame for skyrocketing medical malpractice insurance premiums.

Respected insurance, health care, and legal experts all show that insurance companies, with their record surpluses, are to blame for rising premiums. Who are you going to believe? I cast my vote with the experts, and against H.R. 5, the so-called Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2005.

This bill arbitrarily caps payments for pain and suffering at \$250,000 and extends liability protection not only to doctors, but to HMOs, nursing homes and manufacturers of drugs and medical devices. Furthermore, the President and other Republican proponents claim that this bill will halt skyrocketing medical costs. That's hogwash. Even the non-partisan Congressional Budget Office has found that the this bill would have a negligible effect on health care spending, ultimately reducing insurance premiums by less than one-half of one percent.

Ineffective legislation is one thing, but this bill is legislative malpractice. It would mean that a child permanently disabled by an incompetent doctor would receive only \$250,000 to be compensated for a lifetime of pain and the inability to lead a full life. If this bill were enacted, nursing homes that abuse our seniors, HMOs that deny critical care, and drug companies that market dangerous drugs like Vioxx can take your

life for a guaranteed low price set by their friends in Congress.

The implication of limiting damages and attorneys' fees is that greedy lawyers and their irresponsible clients are somehow faking medical errors or blaming natural medical problems on innocent doctors. Given that medical errors are the eighth-leading cause of death in this country, exceeding car accidents, breast cancer, and AIDS, that suggestion is off base. Anyone who's ever been at the bedside of someone in the hospital and received 12 different answers from 12 different care providers about treatment instructions knows the risk of a serious medical error.

This bill does nothing to reduce medical errors, and it won't reduce malpractice premiums. Between 2000 and 2004, claims payments rose by less than 6% while insurers' net premiums rose by 120%. The money isn't going to lawyers -- it is padding the pockets of wealthy insurance companies, and they have no intention of ending the windfall even if this bill passes.

I support the Democratic bill, which Republican leaders won't allow to come up for a vote. That bill reforms the insurance industry -- breaks up insurance monopolies and gives doctors the right to challenge premium increases -- and has sensible tort reform without blocking compensation for injured patients. Unlike the Republican bill, any savings by insurance companies would be required to actually reduce malpractice insurance premiums and 50% of punitive damage payments would go to the Agency for Healthcare Research and Quality to reduce medical errors.

If high premiums and medical errors are the problem, the Democratic bill seems like a logical solution. So logical in fact, so tempting even to my Republican colleagues, that their leadership won't even allow them to vote on the Democratic alternative. I urge my colleagues to reject this sham and force this House to consider real legislation to solve this national crisis.